



City of Bellevue Development Services Department Land Use Staff Report

Proposal Name: **NE 8th Partners Rezone**

Proposal Address: 13635 and 13655 NE 8th Street

Proposal Description: Application for site-specific rezone recommendation of 2 parcels zoned Office (O) to Residential High Density (R-30).

File Number: **21-104902-LQ**

Applicant: Harold Moniz, Collins Woerman

Decision: Process III - Rezone

Planner: Carol Orr, Associate Planner

SEPA Threshold Determination Current proposal is within same scope as the previously approved Comprehensive Plan Amendment (file #20-102741-AC) and is therefore relying upon the final SEPA Threshold DNS issued on October 8, 2020, consistent with WAC 197-11-600(4)(a).

Director's Recommendation: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: Elizabeth Stead
Elizabeth Stead, Land Use Director

Application Date: March 10, 2021
Notice of Application: May 20, 2021
EBCC Courtesy Public Meeting: June 1, 2021
Notice of Recommendation: August 5, 2021
Hearing Examiner's Hearing Date: August 26, 2021
Hearing Examiner's Appeal Deadline: ~~September 24, 2021~~ To be determined
City Council Date: To be determined

For information on how to participate in a public hearing, visit the City Hearing Examiner's office webpage at: <https://bellevuewa.gov/city-government/departments/city-clerks-office/hearing-examiners-Office> or call 425-452-6934

TABLE OF CONTENTS

I. REQUEST, BACKGROUND AND PROCESS	Pg. 3
II. SITE DESCRIPTION, ZONING AND LAND USE	Pg. 4
III. CONSISTENCY WITH LAND USE CODE / ZONING REQUIREMENTS	Pg. 6
IV. TECHNICAL REVIEW	Pg. 7
V. STATE ENVIRONMENTAL POLICY ACT (SEPA)	Pg. 8
VI. PUBLIC NOTICE AND COMMENT	Pg. 8
VII. CHANGES TO THE PROPOSAL DUE TO STAFF REVIEW	Pg. 8
VIII. DECISION CRITERIA	Pg. 9
IX. RECOMMENDATION	Pg. 10
X. RECOMMENDED CONDITION OF APPROVAL	Pg. 10

ATTACHMENTS:

Ordinance 6560

Resolution 584

Approved Comprehensive Plan Subarea Map

SEPA Environmental Checklist

I. REQUEST, BACKGROUND, AND PROCESS

A. Request

The applicant is requesting Land Use approval for a site-specific rezone for two parcels located at 13635 and 13655 NE 8th Street. The parcels measure 21,643 Square Feet (SF) and 17,537 SF respectively. The combined area of both parcels equals 39,180 SF or .89 acres. The sites are both currently located within an Office (O) land use district. The proposal would rezone the parcels from Office District (O) to a Multifamily Residential District R-30 land use district designation.

B. Background

On December 14, 2020, the City Council approved a Comprehensive Plan Amendment (file #20-102741-AC) to change the land use designation of the site from an Office (O) designation to Multi-Family High Density (MF-H) designation, making the proposed rezone possible. This rezone is proposed to create consistency between the adopted Comprehensive Plan Amendment designation and the underlying land use district designation. This will allow potential future development on the property to be reviewed as an R-30 land use district, the same as the neighboring properties

C. Process

Rezoning is subject to a Process III review procedure (Land Use Code 20.35.300) that requires a quasi-judicial decision made by the City Council. The Director makes a recommendation to the Hearing Examiner for approval, approval with conditions, or denial based on the applicable Land Use Code decision criteria. This Staff Report contains the Director's recommendation to the Hearing Examiner concerning this rezoning proposal and the compliance with rezoning decision criteria is discussed in Section VII of this report.

As this parcel is located within the East Bellevue Community Council (EBCC) jurisdiction, a courtesy public meeting was held on June 1, 2021 during the EBCC's regular meeting.

The Hearing Examiner holds a public hearing and takes testimony from the public on the proposal. Following the public hearing, the Hearing Examiner will recommend to the City Council approval, approval with conditions, or denial based on whether the proposal complies with the applicable decision criteria by a preponderance of the evidence. The City Council will then make a decision based on the record established by the Hearing Examiner.

After the City Council makes a decision on the project, the proposal will be brought back to the East Bellevue Community Council's next regular meeting for additional discussion and a final decision.

Approval of this rezoning does not constitute an approval of any Land Use Entitlement review, or any other ancillary permits that may be required for the design and construction of any proposed development or improvements on the rezoning site. [Refer to Condition of Approval regarding Rezoning Authority in Section X of this report.](#)

II. SITE DESCRIPTION, CONTEXT AND ZONING

A. Site Description

The two subject properties are approximately 0.89 acres (39,180 SF) total and are located within the Wilburton/NE 8th Street Subarea. The site is located along the south side of NE 8th Street, approximately 800 feet to the west of the intersection of NE 8th Street and 140th Avenue NE (refer to **Figure 1 - Vicinity Map/Aerial Map** below)

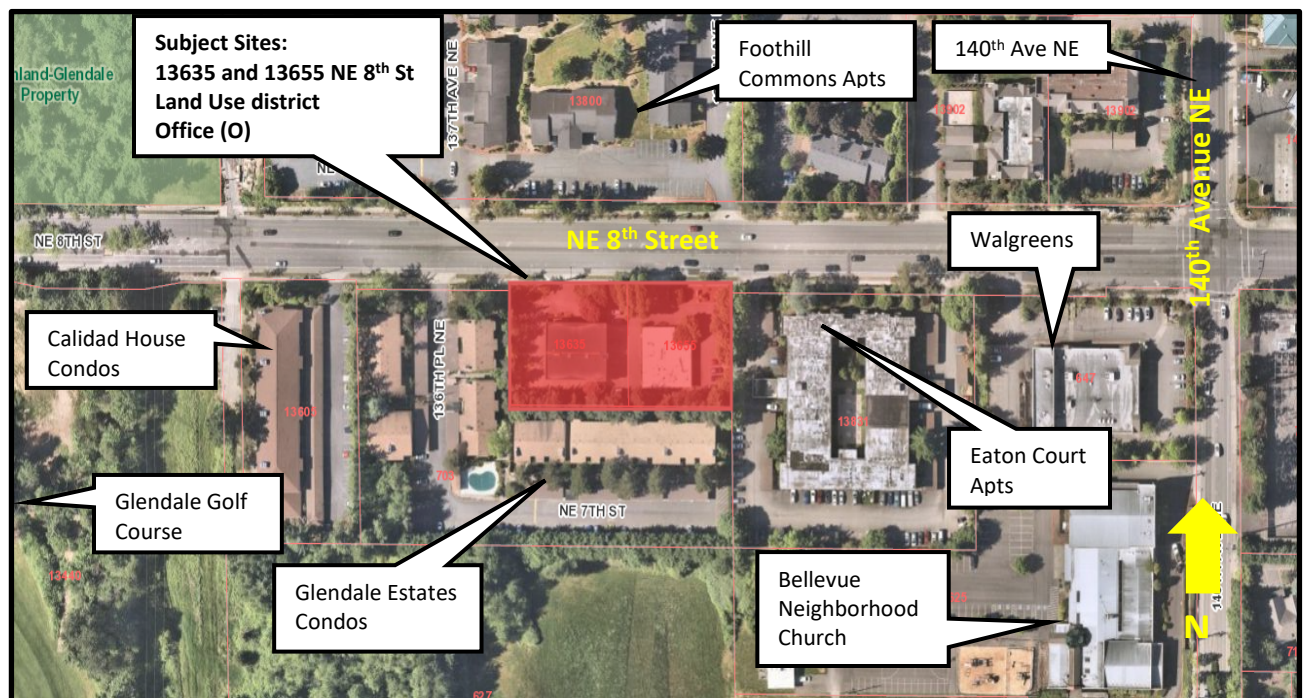
Access to the two sites will continue to be provided from NE 8th Street. As currently developed there is vehicular access from one parcel to the next located behind the existing structures. Pedestrian access to both sites is currently provided by a short flight of stairs from the public sidewalk at a location approximately midway between the two parcels.

Currently the western site, 13635 NE 8th Street, is developed with a 2 story office building constructed over a screened surface level parking area. The eastern site, 13655 NE 8th Street, is a single story commercial building containing a veterinary office. Surface parking is provided for this parcel. The elevation at the eastern edge of the east parcel is approximately 14 feet higher than the western edge of the west parcel, resulting in a gentle 4% slope. Mature landscaping with trees, shrubs and groundcovers is present along the street frontage. No specific development proposal is being considered with this rezone.

Context

Low rise multi-family residential buildings border the subject parcels on the west, east and south. A low rise multi-family project is located to the north of the subject parcels on the north side of NE 8th Street. The proposal parcels are located to the east of the Puget Sound Energy power line easement and north of the Glendale Golf Course.

Figure 1 – Vicinity Map/Aerial Map



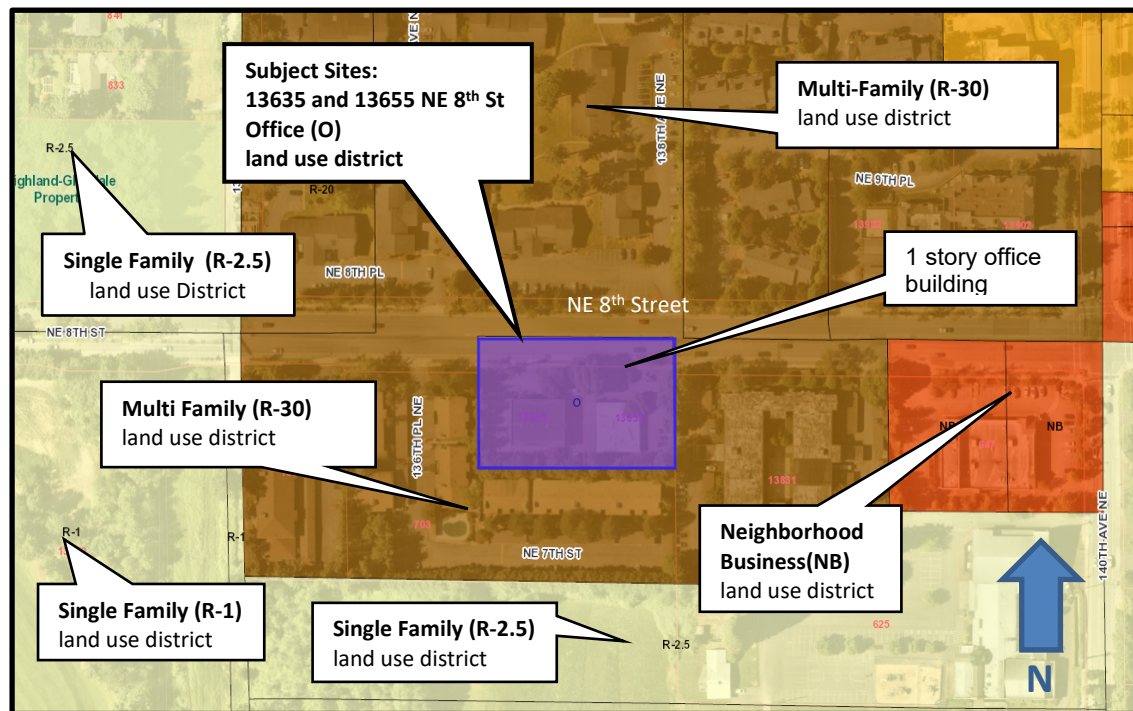
B. Zoning and Land Use

The site is currently located within an Office (O) land use district. See the **Figure 2-Existing Zoning Map** below.

Surrounding zoning and land uses are:

- North: R-30 – Multi Family High Density, large multi-family housing development.
- East : R-30 – Multi Family High Density, large multi-family housing development.
- South: R-30 – Multi Family High Density, large multi-family housing development.
- West: R-30 – Multi Family High Density, large multi-family housing development.

Figure 2 – Existing Zoning Map



C. Comprehensive Plan Amendment Approval Process

This property received a Comprehensive Plan designation change from Office (O) to Multi-Family High Density (MF-H) in December 2020.

- The Notice of Application for the NE 8th Partners Comprehensive Plan Amendment (20-102741-AC) was published in the Weekly Permit Bulletin on August 27, 2020.
- Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on June 18, 2020.
- A public hearing before the Planning Commission was held on July 8, 2020.
- Notice of Final Review Public Hearing, Staff Recommendation, and SEPA Determination was published on October 8, 2020.
- The Planning Commission completed its recommendation to the City Council at the Commission's meeting of October 28, 2020.
- On December 14, 2020, the City Council adopted the proposed amendment to the Comprehensive Plan (Ordinance 6560) attached to this staff report.
- On January 5, 2021, the East Bellevue Community Council approved the proposed amendment to the Comprehensive Plan (Resolution 584) attached to this staff report.

III. CONSISTENCY WITH LAND USE CODE/ ZONING REQUIREMENTS**A. General Provisions of Land Use Code****1. General Dimensional Requirements**

While no redevelopment is proposed or approved under this rezone application, the site was reviewed for conformance with the general provisions of the Land Use Code. A general listing of applicable Land Use Code elements, most footnotes not included, for the existing Office (O) and proposed Multi-Family Residential District R-30 is provided below:

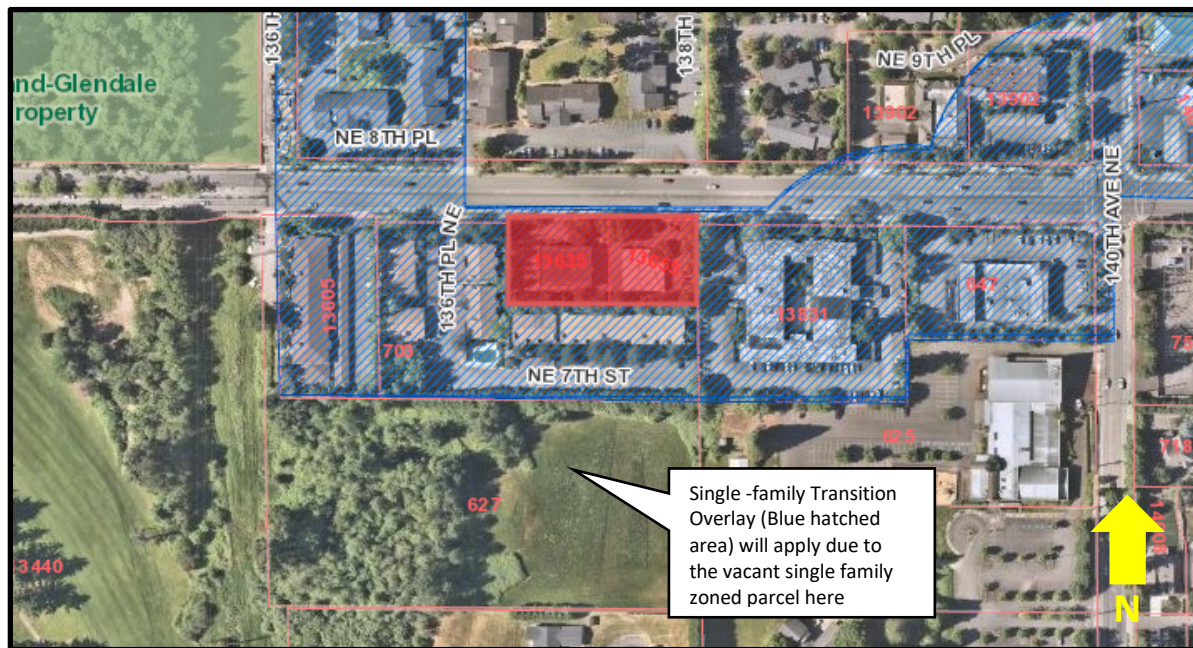
Zoning	Office (existing)	Multi-Family High Density (R-30) (proposed)	Comments
ITEM	REQUIRED/ ALLOWED	REQUIRED/ ALLOWED	
Minimum Lot Area	No minimum	No minimum	
Minimum Setback of Structures	Front – 30' Rear – 25' Side – 20' 2 Sides – 40'	Front – 20' Rear – 25' Side – 5' 2 Sides – 15'	Per LUC 20.20.010, Footnote 1: Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade
Floor Area Ratio	.5 but office portion of the building shall not exceed 50,000 gross square feet.	Not Applicable	
Dwelling Units per Acre	20	30	
Maximum Building Height As measured from Average Finished Grade	30 ' Building height of an office building may be increased by 1 story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of the building is devoted to parking for that building	40'	
Lot Coverage	35%	35%	
Maximum Impervious Surface	60%	65%	
Maximum Hard Surface Coverage	85%	90%	

2. Transition Area Dimensional Requirements:

Parcels adjacent to residential land use districts parcels are subject to the requirements of the Transition Area Design District Standards unless the residential parcels are developed with a legally permitted nonresidential use. Due to a vacant single family residential

property to the south of the subject parcels, development of the site is subject to Transition Area Design District requirements. Should the vacant property be developed with a legally established non-residential use, the Transition Area Design District requirements would no longer apply. A map and a general listing of applicable Transition Area Design District development standards, footnotes not included is provided below:

Figure 3 – Transition Area Map



Building heights within Transition Overlay District are similar for both Office (O) and Multi Family (R-30) zones. Within the Transition Overlay district, building height is measured from average existing grade, similar to how building height is measured in Single Family Residential districts. Both the existing Office (O) and the Multi-Family (R-30) can achieve structures up to 30 feet in height without providing any specific elements that provide bonuses. However, if a proposal incorporates elements such as under-building parking, a pitched roof form, or a roof free of mechanical equipment, the proposal can earn up to 10 feet in additional height. This supports the intent of the Transition Overlay District to soften the impact of more intense development on neighboring parcel, and providing a more compatible transition between the two uses.

IV. TECHNICAL REVIEW

A. Utility Department

Water:

No impacts are expected. Project/development related impacts would be reviewed and mitigated during any project-specific review of entitlements and/or construction permits.

Sewer:

There known capacity issues downstream of the site. Assuming maximum density, the additional peak flow could exacerbate this downstream capacity issue. Further analysis of the downstream sewer system will be required by a future development to determine if upsizing or mitigation is needed based on the specific development/proposal.

Drainage:

No impacts are expected. Project/development related impacts would be reviewed and mitigated during any project-specific review of entitlements and/or construction permits.

B. Transportation Department

The applicant is proposing to rezone this property from Office (O) to R-30. This may result in a few additional vehicle trips generated when the site is re-developed but is not expected to result in a significant traffic or transportation impact. The transportation review of any specific development proposal will include the incremental impacts of the rezone, and any mitigation required for the development proposal will mitigate potential rezone impacts as well.

V. STATE ENVIRONMENTAL POLICY ACT

A non-project SEPA final Determination of Non-Significance (DNS) was previously issued for the Comprehensive Plan Amendment (CPA) on the site; file #20-102741-AC on October 8, 2020. The current rezone proposal is the same proposal as was previously evaluated; there is no new information, regulatory changes, or changes to the proposal that would necessitate additional review of potential environmental impacts. Therefore, the SEPA determination for the CPA is being adopted consistent with WAC 197-11-600(4)(a). A copy of the prior SEPA documentation is attached to this report - see Attachment C. A project-level environmental review will be completed for review of development applications on the site.

VI. PUBLIC NOTICE AND COMMENT

Application Date:	March 10, 2021
Notice of Application:	May 20, 2021
Minimum Comment Period:	June 3, 2021
Public Meeting & EBCC Courtesy Meeting:	June 1, 2021

The rezone application was noticed on May 20, 2021; and published in the City of Bellevue's Weekly Permit Bulletin. The bulletin was mailed to taxpayers and occupants within 500 feet of the project site, and those on the list to receive the Weekly Permit Bulletin regularly every week. Two (2) one-sided Public Information Signs were installed along NE 8th Street on the same date. Because this proposal falls within the jurisdiction of the East Bellevue Community Council (EBCC), the public meeting for the project was combined with an EBCC Courtesy hearing. Notice of Application included notice of the Public Meeting and EBCC Courtesy hearing which was held at 6 PM on June 1st, 2021 via Zoom. Because the Public Meeting was held during a regularly scheduled EBCC monthly meeting, there were members of the public present. However, no questions were posed to the City or to the applicant during the public comment portion of that meeting regarding this project. No public written comments have been received regarding this project and there are no Parties of Record.

VII. CHANGES TO THE PROPOSAL DUE TO STAFF REVIEW

No substantive changes have been requested for this proposal. The rezone is being processed to ensure consistency between the Land Use designation in the previous approved Comprehensive Plan Amendment (Ordinance 6560) and the zoning applicable to the project in the Land Use Code.

VIII. DECISION CRITERIA

A. Pursuant to LUC 20.30A.140, the City may approve, or approve with modifications, an application for a rezone of property if:

1. The rezone is consistent with the Comprehensive Plan:

The proposed rezone is consistent with the following Land Use and General policies:

Policy LU-6: Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage. :

Finding: The proposed rezone will allow a greater density of residential units to be constructed on the subject parcels than is allowed in the existing Office (O) land use district. All adjacent properties are within the R-30 residential land use district and are developed with multi-family housing projects. The rezone provides equal development potential for the construction of high-quality multi-family housing along the NE 8th Street corridor where proximity to rapid transit is readily available.

Policy LU-15: Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

Finding: The proposed rezone will allow the properties to be developed within a land use district(zone) that is appropriate for dense multi-family developments. The GMA urban growth planning goals encourage development in urban areas, where adequate public facilities and services exist or can be provided in an efficient manner.

Policy LU-16: Encourage adequate pedestrian connections with nearby neighborhood and transit facilities in all residential site development.

Finding: This rezone supports the City's goal of achieving more transit oriented development, and additional housing opportunities in general. The parcels are served with public sidewalks, and access to Rapid Ride transit is a short walk away on NE 8th Street.

Policy HO-11: Encourage housing opportunities in mixed residential/commercial settings throughout the city.

Finding: This proposal will allow for additional housing in an area already developed with multi-family housing. Commercial uses that support residential development are also located in close proximity, including a drugstore with a pharmacy at the corner of 140th Avenue NE and NE 8th street. Additional shopping opportunities exist in Crossroads and Downtown, both of which are served by the Rapid Ride transit system on NE 8th Street.

2. The rezone bears a substantial relation to the public health, safety, or welfare.

Finding: The rezone proposal promotes the health, safety, and welfare of the public by encouraging the provision of additional multi-family housing in an area already developed with the same housing type. Additionally, the parcels requesting rezone are located on a key transit corridor on NE 8th Street which will provide excellent commuting opportunities to the Downtown Transit Center and eventually the light rail station located near the transit center.

These additional transit opportunities will diminish the need for single occupancy vehicle trips generated by these sites.

- 3. *The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property.***

Finding: The proposed rezone is warranted to align the subject properties to a land use district designation of R-30, which is consistent with the Comprehensive Plan designation of MF-H, as amended by Council in December 2020. The rezone will afford the subject properties equal development potential to adjacent properties in the vicinity.

- 4. *The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property.***

Finding: Development of the both parcels under the proposed R-30 multi-family residential land use district is consistent and compatible with the surrounding parcels and neighborhood, and will achieve a number of the city's goals and policies as described above in this report.

- 5. *The rezone has merit and value for the community as a whole.***

Finding: Forecasts predict that Bellevue will continue to attract new residents and jobs and consequently result in an increased need for housing units. The number of units possible under the currently land use district is heavily restricted. This rezone will facilitate compatible redevelopment of both parcels and will create opportunities for transit-oriented development with a potential residential component at a higher level of intensity than would be allowed under the current Office (O) land use district.

IX. RECOMMENDATION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, and City Code & Standard compliance reviews, the Director does hereby recommend **APPROVAL WITH CONDITIONS** of the NE 8th Street Properties rezone proposal.

X. RECOMMENDED CONDITION OF APPROVAL

1. Rezone Authority

Approval of this rezone does not constitute an approval of any Land Use Entitlement review, or any other ancillary permits that may be required for the design and construction of any proposed development or improvements on the rezone site.

AUTHORITY: LUC 20.30A
REVIEWER: Carol Orr, Land Use

Attachment A

Ordinance 6560

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6560

AN ORDINANCE adopting the NE 8th Street Partners (20-102741 AC) 2020 amendment to the Comprehensive Plan of the City of Bellevue pursuant to the Growth Management Act, Chapter 36.70A RCW, and Chapter 35A.63 RCW; and establishing an effective date.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993, as required by the Growth Management Act of 1990, as amended, and also adopted the Comprehensive Plan pursuant to Chapter 35A.63 RCW; and

WHEREAS, the Growth Management Act authorizes the City to, among other things, amend the Comprehensive Plan on an annual basis; and

WHEREAS, a privately-initiated proposal to amend the Wilburton/NE 8th Street Subarea Plan map from Office (O) to Multifamily-High (MF-H) at 13635 and 13655 NE 8th St. was submitted for consideration with the 2020 annual Comprehensive Plan amendments; and

WHEREAS, the Planning Commission held public meetings and a public hearing pursuant to legally-required notice on the proposed amendment to the Comprehensive Plan and recommended approval to the City Council; and

WHEREAS, the City Council considered and discussed the proposed annual amendment to the Comprehensive Plan; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City's Environmental Procedures Code (Chapter 22.02 BCC); and

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Wilburton/NE 8th Street Subarea Plan map included as Attachment A to this Ordinance and changing the comprehensive plan land use designation of the property located at 13635 and 13655 NE 8th Avenue from Office (O) to Multifamily-High (MF-H) is hereby adopted.

Section 2. The City Council finds that the 2020 NE 8th Street Partners Comprehensive Plan Amendment (CPA) has met the CPA decision criteria contained in the Land Use Code (Part 20.301 LUC); that the amendment is consistent with the Comprehensive Plan and other goals and policies of the City; that the amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; that the amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was considered; that if the CPA is a site-specific amendment, then the subject property is suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications; and that the proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

Section 3. The City Council finds that public notice was provided for all 2020 amendments to the Comprehensive Plan as required by LUC 20.35.400 through 20.35.435 for Process IV amendments to the Comprehensive Plan.

Section 4. The Comprehensive Plan adopted pursuant to Chapter 35A.63 RCW, to the same extent and in the same respect as the Comprehensive Plan required by the Growth Management Act of 1990, as amended, is amended consistent with Section 1 of this Ordinance and the separate ordinances referenced therein.

Section 5. This Ordinance shall take effect and be in force five (5) days after its passage and legal publication. This Ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this 14th day of December, 2020 and
signed in authentication of its passage this 14th day of December, 2020.

(SEAL)



Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

/s/ Matt McFarland

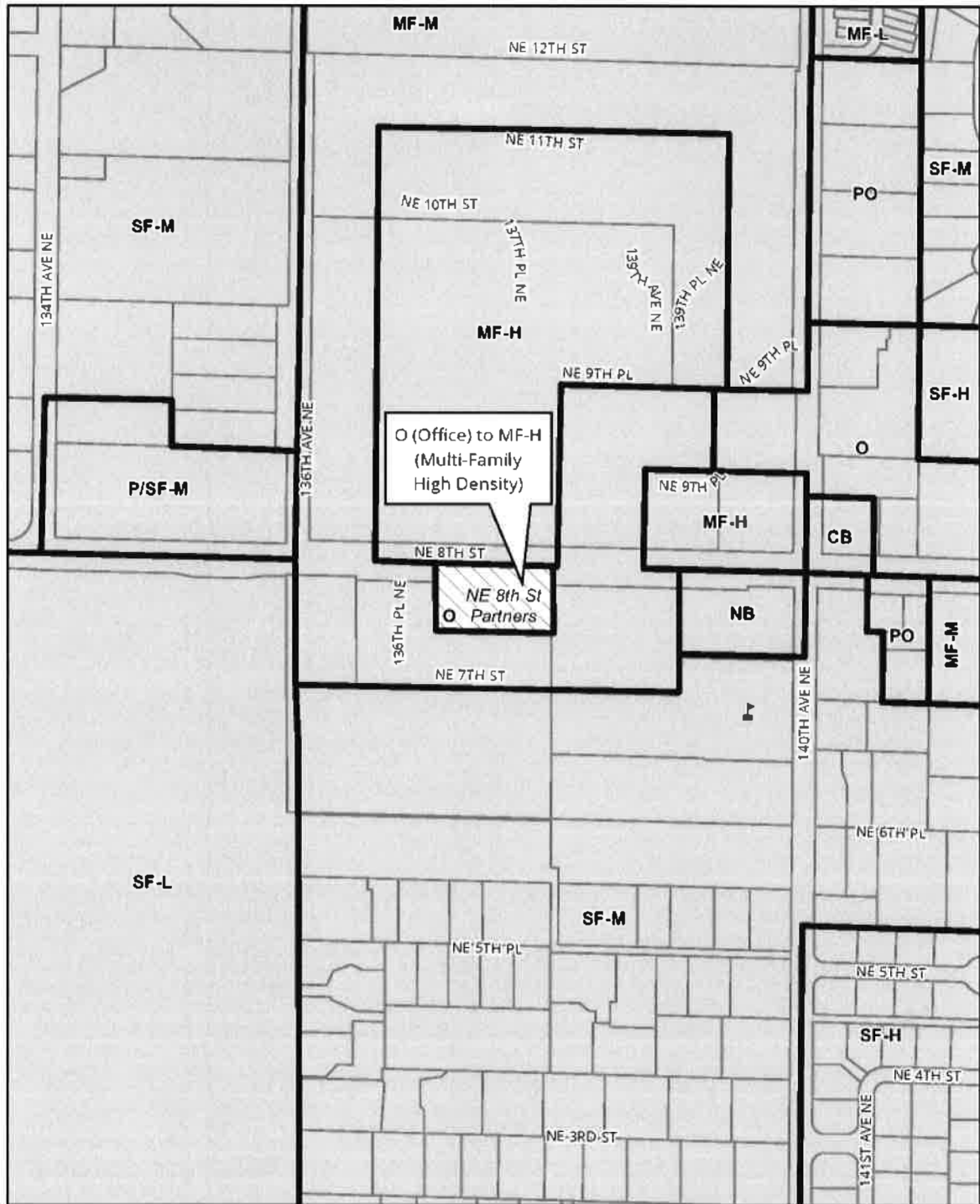
Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published 12/17/20

Attachment A NE 8th Street Partners



NE 8th Street Partners



SF Single Family
MF Multi Family
-L Low Density
-M Medium Density
-H High Density
-UR Urban Residential

PO Professional Office
O Office
CB Community Business
DNTN Downtown
GC General Commercial
P Park

Area of Interest
 Comprehensive Plan
 Parcel
 Public School

Attachment B

EBCC Resolution 584

**EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON**

Resolution No. 584

A RESOLUTION of the East Bellevue Community Council approving City Council Ordinance No. 6560 adopting the NE 8th Street Partners (20-102741 AC) 2020 amendment to the Comprehensive Plan of the City of Bellevue pursuant to the Growth Management Act, Chapter 36.70A RCW, and Chapter 35A.63 RCW; and establishing an effective date.

WHEREAS, on December 14, 2020, the City Council of the City of Bellevue, Washington passed Ordinance No. 6560 adopting the NE 8th Street Partners (20-102741 AC) 2020 amendment to the Comprehensive Plan of the City of Bellevue pursuant to the Growth Management Act, Chapter 36.70A RCW, and Chapter 35A.63 RCW; and establishing an effective date; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on January 5, 2021, the Community Council voted to approve Ordinance No. 6560;

NOW, THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue:

Section 1: Ordinance No. 6560 of the Bellevue City Council is hereby approved.

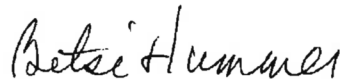
Section 2: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in the Clerk's office.

Passed by a majority vote of the East Bellevue Community Council on the 5th day of January, 2021, and signed in authentication of its passage this 5th day of January, 2021.



Attest:

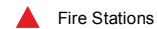

Karin Roberts, Deputy City Clerk



Betsi Hummer, Chair

Attachment C

Approved Comprehensive Plan Subarea Map

 $^{15}\text{R}-15$ density limit

Public Schools

Planning Districts

- Bellevue City Limi

Lakes

GC	General Commercial
LI	Light Industrial
PF	Public Facility
P	Park

Attachment D

SEPA Environmental Checklist



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Harold Moniz

LOCATION OF PROPOSAL: 13635 and 13655 NE 8th St

DESCRIPTION OF PROPOSAL: 2020 Annual Amendments to the Comprehensive Plan, including a Work Program and proposed amendments to the Bellevue Comprehensive Plan for purposes of RCW 36.70A, assuring that the Plan continues to comply with the requirements of the GMA and including consideration of emerging local and regional needs, changes to state and federal laws, Bellevue's progress towards meeting GMA Goals, and whether the Plan is internally consistent. This privately-initiated application proposes a site-specific amendment to two parcels on a nearly one-acre site in the Wilburton/NE 8th Street Subarea from Office (O) to Multifamily-High (MF-H).

FILE NUMBERS: 20-102741-AC

SEPA PLANNER: Heidi M. Bedwell

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Only persons who submitted written comments before the DNS was issued may appeal the decision. This DNS is only appealable as part of the City's action on the amendment to the Comprehensive Plan. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action.
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Elizabeth Stead

Environmental Coordinator

10/8/2020

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☐ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov
- ☐ State Department of Ecology, Shoreline Planner N.W. Region / MARI461@ECY.WA.GOV;
sepaunit@ecy.wa.gov
- ☐ Army Corps of Engineers
- ☐ Attorney General ecyolyef@atg.wa.gov
- ☐ Muckleshoot Indian Tribe glen.stamant@muckleshoot.nsn.us Fisheries.fileroom@muckleshoot.nsn.us



SEPA Environmental Checklist

The City of Bellevue uses this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions

The checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully and to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions.

You may respond with "Not Applicable" or "Does Not Apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies and reports. Please make complete and accurate answers to these questions to the best of your ability in order to avoid delays. For assistance, see [SEPA Checklist Guidance](#) on the Washington State Department of Ecology website.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The city may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Background

1. Name of proposed project, if applicable _____
2. Name of applicant _____
3. Contact person _____ Phone _____
4. Contact person address _____
5. Date this checklist was prepared _____
6. Agency requesting the checklist _____

7. Proposed timing or schedule (including phasing, if applicable)

8. Do you have any plans for future additions, expansion or further activity related to or connected with this proposal? If yes, explain.

9. List any environmental information you know about that has been prepared or will be prepared, that is directly related to this proposal.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

11. List any government approvals or permits that will be needed for your proposal, if known.

12. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and the section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Environmental Elements

Earth

1. General description of the site:
 - ☐ Flat
 - ☐ Rolling
 - ☐ Hilly
 - ☐ Steep Slopes
 - ☐ Mountainous
 - ☐ Other _____
2. What is the steepest slope on the site (approximate percent slope)? _____

3. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

4. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No surface indications or history of unstable soils in the immediate vicinity are known. The site is fully developed with buildings, associated parking, access drives, hardscape and landscaping.

5. Describe the purpose, type, total area and approximate quantities and total affected area of any filling, excavation and grading proposed. Indicate the source of the fill.

6. Could erosion occur as a result of clearing, construction or use? If so, generally describe.

7. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? _____

8. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

Air

1. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

2. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

3. Proposed measures to reduce or control emissions or other impacts to air, if any.

Water

1. Surface Water

- a. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

- b. Will the project require any work over, in or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

- c. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of the fill material.

- d. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose and approximate quantities, if known.

- e. Does the proposal lie within a 100-year floodplain? _____
If so, note the location on the site plan.

- f. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

2. Ground Water

- a. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- b. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

3. Water Runoff (including stormwater)

- a. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- b. Could waste materials enter ground or surface waters? If so, generally describe.

- c. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Indicate any proposed measures to reduce or control surface, ground and runoff water, and drainage pattern impacts, if any.

Plants

1. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other _____
- ☐ evergreen tree: fir, cedar, pine, other _____
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards or other permanent crops
- ☐ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other _____
- ☐ water plants: water lily eelgrass, milfoil, other _____
- ☐ other types of vegetation _____

2. What kind and amount of vegetation will be removed or altered?

3. List any threatened and endangered species known to be on or near the site.

4. Proposed landscaping, use of native plants or other measures to preserve or enhance vegetation on the site, if any.

5. List all noxious weeds and invasive species known to be on or near the site.

Animals

1. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: ☐hawk, ☐heron, ☐eagle, ☐songbirds, ☐other _____

Mammals: ☐deer, ☐bear, ☐elk, ☐beaver, ☐other _____

Fish: ☐bass, ☐salmon, ☐trout, ☐herring, ☐shellfish, ☐other _____

2. List any threatened and endangered species known to be on or near the site.

3. Is the site part of a migration route? If so, explain.

4. Proposed measures to preserve or enhance wildlife, if any.

5. List any invasive animal species known to be on or near the site.

Energy and Natural Resources

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

Environmental Health

1. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste, that could occur as a result of this proposal? If so, describe.

- a. Describe any known or possible contamination at the site from present or past uses.

- b. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

- c. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

- d. Describe special emergency services that might be required.

- e. Proposed measures to reduce or control environmental health hazards, if any.

2. Noise

- a. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

- b. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)?
Indicate what hours noise would come from the site.

- c. Proposed measures to reduce or control noise impacts, if any.

Land and Shoreline Uses

1. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

2. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

- a. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? If so, how?

3. Describe any structures on the site.

4. Will any structures be demolished? If so, what?

5. What is the current zoning classification of the site? _____

6. What is the current comprehensive plan designation of the site? _____

7. If applicable, what is the current shoreline master program designation of the site?

8. Has any part of the site been classified as a critical area by the city or county? If so, specify.

9. Approximately how many people would reside or work in the completed project? _____

10. Approximately how many people would the completed project displace? _____

11. Proposed measures to avoid or reduce displacement impacts, if any.

12. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

13. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any.

Housing

1. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

2. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

3. Proposed measures to reduce or control housing impacts, if any.

Aesthetics

1. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

2. What views in the immediate vicinity would be altered or obstructed?

3. Proposed measures to reduce or control aesthetic impacts, if any

Light and Glare

1. What type of light or glare will the proposal produce? What time of day would it mainly occur?

2. Could light or glare from the finished project be a safety hazard or interfere with views?

3. What existing off-site sources of light or glare may affect your proposal?

4. Proposed measures to reduce or control light and glare impacts, if any.

Recreation

1. What designated and informal recreational opportunities are in the immediate vicinity?

2. Would the proposed project displace any existing recreational uses? If so, describe.

3. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

Historic and Cultural Preservation

1. Are there any buildings, structures or sites located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? If so, specifically describe.

2. Are there any landmarks, features or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

3. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

4. Proposed measures to avoid, minimize or compensate for loss, changes to and disturbance to resources. Please include plans for the above and any permits that may be required.

Transportation

1. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

2. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

3. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

4. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

5. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.

6. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

7. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

8. Proposed measures to reduce or control transportation impacts, if any.

Public Service

1. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

2. Proposed measures to reduce or control direct impacts on public services, if any.

Utilities

1. Check the utilities currently available at the site:

- ☐ Electricity
- ☐ natural gas
- ☐ water
- ☐ refuse service
- ☐ telephone
- ☐ sanitary sewer
- ☐ septic system
- ☐ other

2. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature

Harold P. Moniz

Name of signee

Harold P. Moniz

Position and Agency/Organization

Senior Planner, CollinsWoerman

Date Submitted

January 30, 2020



Non-project Action SEPA Checklist

Supplement to Environmental Checklist

These questions pertain to land use actions that do not involve building and construction projects, but rather pertain to policy changes, such as code amendments and rezone actions.

Because the questions are very general, it may be helpful to read them in conjunction with the Environmental Checklist. When answering these questions, be aware of the extent to which the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented.

Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Indicate proposed measures to avoid or reduce such increases.

2. How would the proposal be likely to affect plants, animals, fish or marine life?

Indicate proposed measures to protect or conserve plants, animals, fish or marine life.

3. How would the proposal be likely to deplete energy or natural resources?

Indicate proposed measures to protect or conserve energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains or prime farmlands?

Indicate proposed measures to protect such resources or to avoid or reduce impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Indicate proposed measures to avoid or reduce shoreline and land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Indicate proposed measures to reduce or respond to such demand(s).

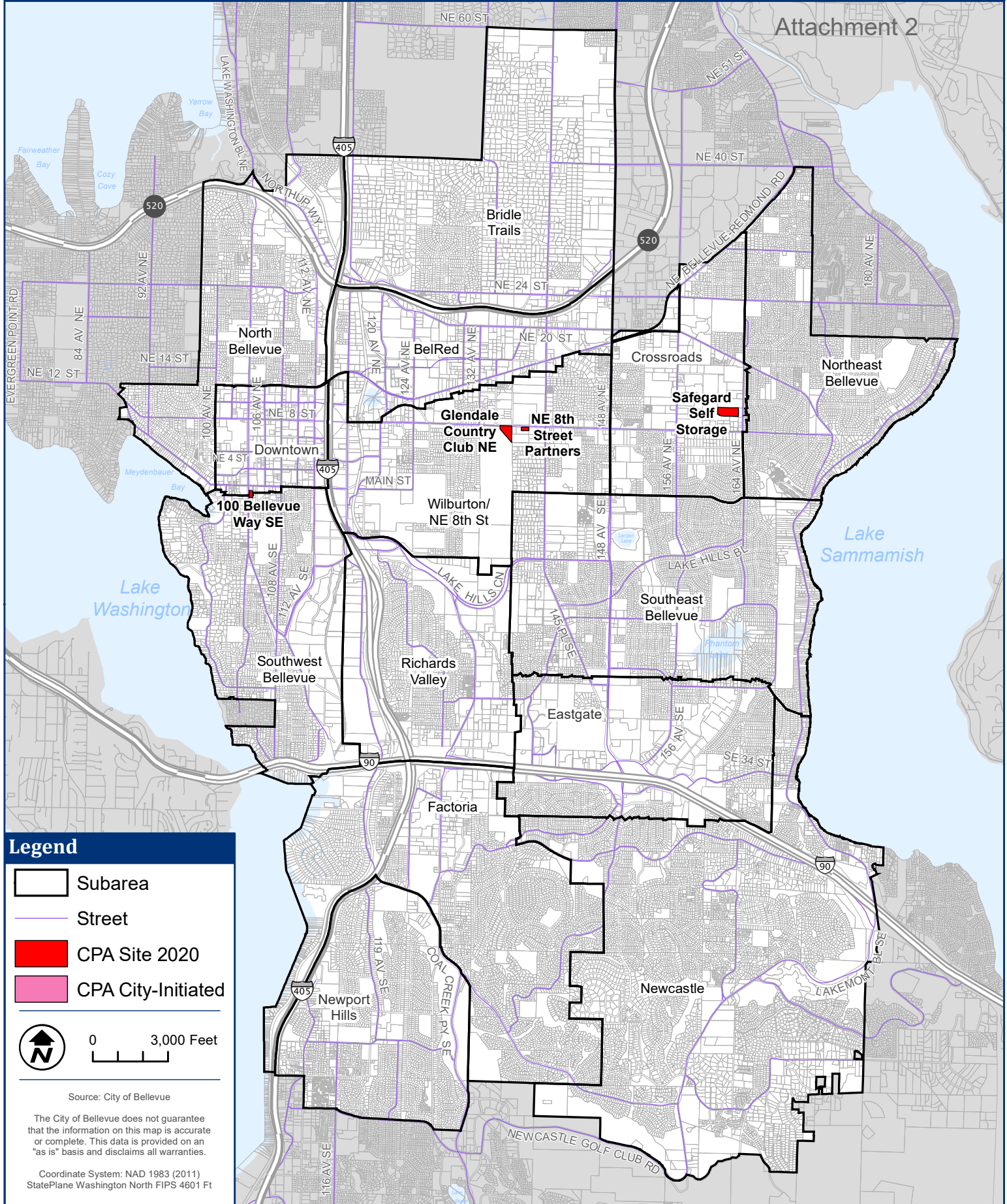
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.



2020 Comprehensive Plan Amendments



Attachment 2



1
2
3
4
5
6 **BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**

7 In the Matter of the Application for

DSD File No.: 21-104902-LQ

8
9 **NE 8th STREET PARTNERS**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND RECOMMENDATION**

10
11 For a Rezone of Two Parcels Zoned Office
12 (O) to Residential High Density (R-30)

13 **SUMMARY OF RECOMMENDATION**

14 The Hearing Examiner respectfully recommends that the Bellevue City Council
15 **APPROVE** the requested rezone, subject to the condition contained at the end of this
16 recommendation.

17 **REZONE REQUEST**

18 The Applicants, Harold Moniz of Collins Woerman (“Applicant”), request a rezone of
19 two parcels (“property”) that are zoned Office (O), to re-classify both parcels as Residential
20 High Density (R-30). No development application accompanies the proposal at this time.

21 The proposed rezone would achieve consistency with a comprehensive plan amendment
22 enacted by the Bellevue City Council on December 14, 2020 (File #20-102741-AC), which
23 changed the planning designation from Office (O) to a Multi-Family High Density (MF-H) for
both parcels.

24 **CONTENTS OF THE RECORD**

25 The record consists of Exhibit C-1, the DSD project file, including the Staff Report
(pages 1 through 333); Exhibit C-2, DSD PowerPoint presentation; and Exhibit A-1, Applicant’s

9/9/21

1 public letter of support with two attachments. The record also includes the audio recording of
2 the virtual public hearing held August 26, 2021 at 6:00 p.m. The Examiner heard one witness-
3 the land use planner assigned to the application from DSD, Ms. Carol Orr. The Applicant
4 attended the hearing and submitted an exhibit, but no witnesses testified. No members of the
5 public attended the hearing or commented on the proposed rezone. There are no Parties of
Record registered for this proposal.

6 **PROCEDURE**

7 1. Decision Process.

8 A rezone application is a Process III decision governed by Land Use Code (“LUC”)
9 20.35.030. The Hearing Examiner is responsible for holding a public hearing and making a
10 recommendation to the City Council. The City Council makes the final decision on behalf of
the City.

11 The proposal is within the jurisdictional boundaries of the East Bellevue Community
12 Council. After the City Council makes a decision on the project, the East Bellevue Community
Council will review the decision of the City Council pursuant to LUC 20.35.450(A).

13 2. Public Notice and Process Prior to Public Hearing.

14 A Notice of Application was published in the City of Bellevue’s Weekly Permit Bulletin
15 on May 20, 2021. Notice was mailed to taxpayers and occupants within 500 feet of the property
16 and those on the list to receive the Weekly Permit Bulletin regularly every week. Two (2) one-
17 sided Public Information Signs were installed along NE 8th Street on the same date. Exhibit C-
1 at 134.

18 Because this proposal falls within the jurisdiction of the East Bellevue Community
19 Council (“EBCC”), the public meeting for the project was combined with an EBCC courtesy
20 hearing. Notice of Application included notice of the Public Meeting and EBCC courtesy
21 hearing, which was held virtually at 6:00 p.m. on June 1, 2021. Because the public meeting
22 was held during a regularly scheduled EBCC monthly meeting, there were members of the
public present. However, no questions were posed to the City or to the applicant during the
23 public comment portion of that meeting regarding this project. Exhibit C-1 at 134.

24 The Development Services Department (“DSD”) published a recommendation of
25 approval with conditions on August 5, 2021. Exhibit C-1at 127-137 with attachments. For

9/9/21

1 compliance with the State Environmental Policy Act (“SEPA”), the Department relied on a
2 Determination of Non-Significance (“DNS”) issued on October 8, 2020 for the previously
3 approved Comprehensive Plan Amendment (File #20-102741-AC) on the project pursuant to
4 BCC Chapter 22.02. Exhibit C-1 at 134.

5 3. Public Hearing Before the Hearing Examiner.

6 After appropriate public notice, the Hearing Examiner held a virtual public hearing on
7 August 26, 2021 at 6:00 p.m. The Applicant was represented by Jessica Roe, attorney from
8 McCullough Hill Leary, P.S. The Department was represented by Carol Orr, Associate Land
9 Use Planner. Ms. Orr made a presentation at the public hearing, which was admitted into the
10 record as Exhibit C-2. No other witnesses testified.

11 The Applicant provided a public comment letter with a presentation on the proposal
12 placed in the record as Exhibit A-1. The Applicant also provided a corrected legal description
13 of the properties that are the subject of this proposal, as Attachment 2 to Exhibit A-1. No
14 witnesses were presented by the Applicant.

15 The Hearing Examiner opened public testimony on the record and asked that any persons
16 in attendance wishing to testify identify themselves. No one did so. There was one caller
17 identified only by telephone number, other than persons associated with the Department and the
18 Applicant. The Examiner specifically inquired whether that individual would like to testify.
19 There was no reply by the caller.

20 As required by the code, the Hearing Examiner must issue his or her recommendation or
21 decision within 10 working days of the hearing.

22 4. Procedural Findings Should be Considered Findings of Fact.

23 For purposes of this recommendation, the information set forth in this section should be
24 considered to be Findings of Fact.

25 **FINDINGS OF FACT**

1. Comprehensive Plan Amendment Adopted in 2020.

On December 14, 2020, the Bellevue City Council enacted a Comprehensive Plan
Amendment (“CPA”) (File # 20-102741-AC) to designate the parcels Multi-Family High
Density (MF-H). The zoning was not changed at that time, however, and the property continues

9/9/21

to be zoned Office (O), a zoning classification that is inconsistent with the new plan designation adopted in the CPA.

2. Rezone Proposed to Make Zoning Consistent with Comprehensive Plan.

The Applicant is proposing a rezone for the property to bring the zoning classification for the properties into conformance with the comprehensive plan designation. The new zoning classification for the properties would be Residential High Density (R-30), bringing the zoning into consistency with the Comprehensive Plan. Although there is no development application before the Hearing Examiner, the new zoning classification would allow multi-family development.

3. Site Description.

The two subject properties are 0.93 acres in size (40,570 square feet)¹ and are located within the Wilburton/NE 8th Street Subarea. The properties are on the south side of NE 8th Street, approximately 800 feet to the west of the intersection of NE 8th Street and 140th Avenue NE. Currently the western property, 13635 NE 8th Street, is developed with a two-story office building constructed over a screened surface level parking area. The eastern property, 13655 NE 8th Street, contains a single-story commercial building housing a veterinary office. When redeveloped, both sites will continue to be accessed from NE 8th Street. As currently developed, there is vehicular access from one property to the next located behind the existing structures. Pedestrian access to both properties is currently provided by a short flight of stairs from the public sidewalk at a location approximately midway between the two parcels. Mature landscaping with trees, shrubs, and groundcovers is present along the street frontage.

4. Existing Development in the Immediate Vicinity.

Low-rise, multi-family residential buildings border the subject properties on the west, east and south. A low-rise multi-family project is located to the north of the subject properties on the north side of NE 8th Street. The subject properties are located to the east of the Puget Sound Energy power line easement and north of the Glendale Golf Course.

¹ 13655 NE 8th Street is 18,933 square feet and 13635 NE 8th Street is 21,637 square feet. Please note that the Staff Report, Exhibit C-1, at p. 129, paragraph 1.A, incorrectly reports the property to be .89 acres or 39,180 square feet in size (17,357 square feet + 21, 643 square feet).

1 5. Existing Development in the Larger Vicinity.

2 The two parcels are surrounded on all sides by residential high density R-30 zoning and
3 development. In the larger vicinity and beyond surrounding the residential high density R-30
4 zoning is a neighborhood business parcel to the east. Further to the south and west is single
5 family residential zoning (R-2.5 and R-1). *See* Staff Report at p. 5.

6 6. Transition Overlay District.

7 Due to the existence of a vacant single-family zoned parcel to the south (*see* map on p. 7
8 of Staff Report, Exhibit C-1 at 133), the properties are subject to Transition Area Design
9 Standards. Should the vacant single- family parcel be developed with a legally established non-
10 residential use, the Transition Area Design District requirements would no longer apply. The
11 intent of the Transition Overlay District is to soften the impact of more intense development on
12 the neighboring parcel, and provide a more compatible transition between different zoning
13 districts. The Transition Overlay District creates height incentives for such amenities as under-
14 building parking, a pitched-roof form, or a roof free of mechanical equipment.

15 7. Utilities.

16 DSD conducted a technical review of the rezone proposal, recognizing that no
17 development is yet proposed. For utilities, no impacts to water supply or drainage are expected.
18 With respect to sewage capacity, there are known capacity issues downstream of the site.
19 Assuming the site is developed at maximum density, the additional peak flow could exacerbate
20 this downstream capacity issue. Further analysis will be required during any future development
21 application to determine if upsizing or mitigation is necessary to allow for adequate capacity.

22 8. Transportation.

23 Future development as a result of the grant of this rezone proposal may result in
24 additional vehicle trips generated but is not expected to result in a significant traffic or
25 transportation impact. The mitigation required for any future development proposal will address
potential rezone impacts as well.

 9. SEPA.

 DSD issued a non-project SEPA Determination of Non-Significance (DNS) on the
Comprehensive Plan Amendment for the properties, File #20-102741-AC on October 8, 2020.
The current rezone proposal is substantively the same proposal reviewed during the

9/9/21

Comprehensive Plan Amendment; DSD determined that no new information, regulatory changes, or changes to the proposal would necessitate additional review of potential environmental impacts. Accordingly, DSD adopted the SEPA determination for the Comprehensive Plan Amendment to address the rezone, as permitted under WAC 197-11-600 (4)(a).

10. Public Hearing.

The open record public hearing was convened on this rezone application on August 26, 2021 at 6:00 p.m. The hearing was conducted virtually due to the restrictions resulting from the coronavirus pandemic. Represented at the hearing were the Applicant and the Department. No members of the public attended, testified, or submitted comments in writing.

11. Legal Description.

The Applicant requested that the legal description for the parcels be incorporated into this record, and there was no objection to that request by DSD. Accordingly, the following legal description, supplied by the Applicant as Attachment 2 to Exhibit A-1 is adopted in these findings of fact:

LEGAL DESCRIPTION

Parcel 342505-9246: LOT 1, CITY OF BELLEVUE SHORT PLAT NO. CSPSE - 89-6563, RECORDED SEPTEMBER 24, 1991 UNDER RECORDING NO. 9109249008, IN THE OFFICIAL RECORDS OF KING COUNTY, WASHINGTON.

Parcel 342505-9103: LOT 2, CITY OF BELLEVUE SHORT PLAT NO. CSPSE - 89-6563, RECORDED SEPTEMBER 24, 1991 UNDER RECORDING NO. 9109249008, IN THE OFFICIAL RECORDS OF KING COUNTY, WASHINGTON.

12. Any finding of fact which is a conclusion law herein is hereby adopted as such, and vice versa.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over this application. Under LUC 20.35.340.A, the following recommendation criteria apply:

The Examiner shall recommend approval or approval with conditions or modification if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with

9/9/21

1 modifications. In all other cases, the Hearing Examiner shall recommend denial of
2 the application.

3 2. Under LUC 20.35.340.C, the Hearing Examiner may include conditions to ensure the
4 proposal conforms to the relevant decision criteria.

5 3. LUC 20.35.340.D provides the relevant requirements for the Hearing Examiner's
6 recommendation to the City Council:

7 **D. Written Recommendation of the Hearing Examiner.** The Hearing Examiner
8 shall within 10 working days following the close of the record distribute a written
9 report including a recommendation on the public hearing. The report shall contain
10 the following:

- 11 1. The recommendation of the Hearing Examiner; and
- 12 2. Any conditions included as part of the recommendation; and
- 13 3. Findings of facts upon which the recommendation, including any
14 conditions, was based and the conclusions derived from those facts; and
- 15 4. A statement explaining the process to appeal the recommendation of the
16 Hearing Examiner; and
- 17 5. The date on which the matter has been scheduled for consideration by the
18 City Council and information on how to find out whether the Examiner's
19 recommendation has been appealed.

20 4. A property may be rezoned if the proposal meets the criteria contained in LUC
21 20.30A.140:

- 22 A. The rezone is consistent with the Comprehensive Plan; and
- 23 B. The rezone bears a substantial relation to the public health, safety, or welfare;
24 and
- 25 C. The rezone is warranted in order to achieve consistency with the
Comprehensive Plan or because of a need for additional property in the proposed
district land use classification or because the proposed zoning classification is
appropriate for reasonable development of the subject property; and
- D. The rezone will not be materially detrimental to uses or property in the
immediate vicinity of the subject property; and
- E. The rezone has merit and value for the community as a whole.

9/9/21

1 5. The Staff Report has documented how the proposal meets the requirements for rezone
2 approval and the Hearing Examiner incorporates the discussion contained in Exhibit C-2 at 9-
3 10 (Exhibit C-1 at 135-36) by reference in its entirety as a part of this recommendation. In
4 addition, the Hearing Examiner adds the following conclusions, corresponding to the rezone
5 criteria A- E as identified in Conclusion 4:

6 A. The rezone will bring the zoning into consistency with the Comprehensive Plan, as
7 required by the Washington State Growth Management Act. The proposed rezone is consistent
8 with Policy LU-6, LU-15, LU-16, and HO-11, as detailed in the staff report at p. 9 (Exhibit C-
9 1 at 135). These policies encourage the development of additional multi-family housing in
10 areas already developed with the same housing type, and particularly in locations such as this
11 one that provide excellent access to a major transit corridor, NE 8th Street, where rapid transit
12 is readily available. This rezone furthers the Growth Management Act Goal 1: Urban growth.
13 Encourage development in urban areas where adequate public facilities and services exist or
14 can be provided in an efficient manner. RCW 36.70A.020(1).

15 B. The rezone proposal bears a substantial relation to the public, health, safety, and
16 welfare, as it is consistent with the Comprehensive Plan and the Growth Management Act.

17 C. The City Council has already made the determination that this parcel should be
18 designated as Multi-Family High (MF-H). This rezone will simply change the zoning
19 classification so that the zoning is consistent with the Comprehensive Plan designation.

20 D. There is no evidence in the record suggesting the rezone will be materially
21 detrimental to uses or property in the immediate vicinity of the subject property; to the contrary,
22 the evidence in the record indicates that the rezone will foster consistency with other uses and
23 property within the immediate vicinity and allow for the provision of more needed housing along
24 a transit-oriented corridor in an area already developed with multi-family housing; and

25 E. The rezone has merit to the community as a whole, in that it furthers the goals of the
Growth Management Act found at RCW 36.70A.020, including but not limited to: Goal 1, which
encourages urban growth in urban areas where services are available; Goal 2, which encourages
communities to reduce sprawl; and Goal 3, which encourages efficient multi-modal
transportation systems.

9/9/21

1 6. Based on the evidence in the record, the Applicant has met its burden to show that the
2 rezone application should be approved.

3 7. Any conclusion herein which may be deemed a finding is hereby adopted as such.

4 **RECOMMENDATION**

5 The Hearing Examiner **RECOMMENDS APPROVAL** of the rezone to the Bellevue
6 City Council with the following condition:

7 Approval of this Rezone does not constitute an approval of any Land Use
8 Entitlement review, or any other ancillary permits that may be required for the
9 design and construction of any proposed development or improvements on the
10 rezone site.

11 **DONE**, this 9th day of September, 2021.

12 *Barbara D. Ehrlichman*

13 Barbara Dykes Ehrlichman
14 Hearing Examiner
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RIGHT TO APPEAL-TIME LIMIT

TRANSCRIPT OF HEARING-PAYMENT OF COST

Additional requirements and procedures concerning appeals filed with the Council are found at Resolution 9473 and in the City of Bellevue Land Use Code.

Unless appealed, this matter has tentatively been scheduled to go before the City Council on **Monday, September 27, 2021 at 6:00 pm** for consideration, and **Monday, October 11, 2021 at 6:00 pm** for final action. After (appeal deadline) **Thursday, September 23, 2021**, interested persons may contact the Hearing Examiner's Office at (425) 452-6934 to find out whether an appeal has been filed.

AFFIDAVIT OF SERVICE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Karen Hohu, being first duly sworn upon oath, deposes and states:

In the Matter of **NE 8th Street Partners Rezone Application**, on the 9th day of September 2021, I served a copy of:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

☒ BY ELECTRONIC SERVICE – EMAIL by electronically mailing a true and correct copy thereof through the City of Bellevue’s electronic mail system to the email address(es) set forth below:

corr@bellevuewa.gov

hkirkland@collinswoerman.com

jroe@mhseattle.com

mike.swenson@transpogroup.com

imorrison@mhseattle.com

hmoniz@collinswoerman.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Bellevue, Washington on this 9th day of September 2021.



Karen Hohu
Hearing Examiner Program Coordinator

Application, Petition or Case:

NE 8th Street Partners Rezone Application

File No.: 21-104902-LQ

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6608

AN ORDINANCE approving with a condition the NE 8th Street Partners rezone application submitted by Harold Moniz of Collins Woerman for a rezone of two (2) parcels totaling 0.93-acres located at 13635 and 13655 NE 8th Street from Office (O) to Residential High Density (R-30). Permit File No. 21-104902-LQ.

WHEREAS, on March 10, 2021, the City of Bellevue received an application from Harold Moniz of Collins Woerman for a rezone of two parcels totaling 0.93-acres located at 13635 and 13655 NE 8th Street from Office (O) to Residential High Density (R-30). Permit File No. 21-104902-L; and

WHEREAS, the legal description of the Property is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the City published public notice of the application on May 20, 2021; and

WHEREAS, a courtesy hearing on this project was held before the East Bellevue Community Council on June 1, 2021; and

WHEREAS, the Development Services Department published a recommendation of approval with conditions on August 5, 2021; and

WHEREAS, on August 26, 2021, the Hearing Examiner for the City of Bellevue held a virtual public hearing on the rezone application pursuant to notice required by law; and

WHEREAS, on September 9, 2021, the Hearing Examiner recommended approval of the rezone application with a condition; and

WHEREAS, the Hearing Examiner, as part of their recommendation of approval, made and entered findings of fact and conclusions of law in support of the recommendation and condition contained therein; and

WHEREAS, no timely appeal of the Hearing Examiner's September 9, 2021 recommendation has been filed; and

WHEREAS, the City Council concurs with the findings of fact, conclusions of law, and condition recommended by the Hearing Examiner, and Council has determined that the public use and interest will be served by approving the rezone application; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this rezone is the same proposal evaluated in connection with the Comprehensive Plan Amendment (CPA) for the Property, File No. 20-102741-AC and approved by Ordinance No. 6560 and the City has adopted the Determination of Non-signification issued for the CPA pursuant to WAC 197-11-600-(4)(a); and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, chapter 43.21C RCW and WAC 197-11-600, and the City's Environmental Procedures Code, chapter 22.02 BCC; and

WHEREAS, on September 27, 2021, City staff presented information on this rezone application at the Council's regular meeting; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions of law made and entered by the Hearing Examiner in support of the recommendation to the City Council regarding the Property as set forth in the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Examiner to approve with a condition an application submitted by Harold Moniz of Collins Woerman to rezone two (2) parcels totaling 0.93-acres located at 13635 and 13655 NE 8th Street from Office (O) to Residential High Density (R-30). Permit File No. 21-104902-LQ.

Section 2. The Property is legally described in Exhibit A, which is attached hereto and by this reference fully incorporated herein and is hereby rezoned from Office (O) to Residential High Density (R-30), subject to the condition recommended by the Hearing Examiner.

Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 11th day of OCTOBER, 2021
and signed in authentication of its passage this 11th day of OCTOBER, 2021.



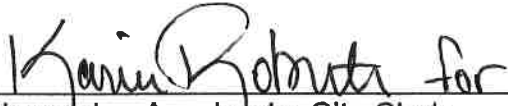
Approved as to form:
Kathryn L. Gerla, City Attorney


Lynne Robinson, Mayor



Nicholas Melissinos, Deputy City Attorney

Attest:



Charmaine Arredondo, City Clerk

Published 10/14/21

EXHIBIT A

LEGAL DESCRIPTION

Parcel 342505-9246: LOT 1, CITY OF BELLEVUE SHORT PLAT NO. CSPSE - 89-6563, RECORDED SEPTEMBER 24, 1991 UNDER RECORDING NO. 9109249008, IN THE OFFICIAL RECORDS OF KING COUNTY, WASHINGTON.

Parcel 342505-9103: LOT 2, CITY OF BELLEVUE SHORT PLAT NO. CSPSE - 89-6563, RECORDED SEPTEMBER 24, 1991 UNDER RECORDING NO. 9109249008, IN THE OFFICIAL RECORDS OF KING COUNTY, WASHINGTON.